

## **EXHIBIT 26**



***ACE-MERIT, LLC***

**Deposition of James Greenwood**

**Date:** July 25, 2006

**Volume:** 1

**Case:** Bert, Vivian v. AK Steel Corporation

**Case No.:** C102467

**Reporter:** Karen Volk

Pages <FIRSTPAGE> to <LASTPAGE>

© Ace-Merit, LLC 2006  
30 Garfield Place, Suite 620  
Cincinnati, Ohio 45202  
Phone: (513) 241-3200  
Fax: (513) 241-7958  
Email: [production@acemerit.com](mailto:production@acemerit.com)  
Internet: [www.acemerit.com](http://www.acemerit.com)

1 locked out all of its hourly employees represented by  
2 the Armco Employees Independent Federation?

3 A. Yes, I am.

4 Q. Do you have an interest today in becoming  
5 a laborer at AK Steel Middletown Works, employees  
6 represented by the AEIF?

7 A. Well, I don't know if a laborer at AK  
8 could handle my stature right at this point. Like I  
9 say, I'm a manager of eight.

10 Q. That's one of the reasons I asked, yeah.

11 A. But the thing about it, options are open.  
12 I grew up in Middletown all my life and AK Steel is  
13 the place to work. I mean benefits, money. A lot of  
14 their employees have the good things in life in  
15 Middletown that a lot of us don't have. So AK Steel  
16 was the place to be hired at.

17 Like I said, that was one of the reasons  
18 why that if I was going to work for any way in  
19 Middletown other than that, I would have to go to AK  
20 Steel to supplant my annual salary.

21 Q. Do you want today to be hired by AK Steel  
22 to the laborer's job?

23 MR. JOHNSON: Object to the form. Asked  
24 and answered. You may answer.

25 A. I'd leave my options open. I wouldn't say

1 no.

2 Q. Would you say yes?

3 A. I would have to think about it, talk to my  
4 wife and look at my pros and cons. If it was to my  
5 advantage, I would probably do it. I need to get  
6 better, not regress.

7 Q. Did you ever file an EEOC charge against  
8 AK Steel?

9 A. I don't know what an EEOC is.

10 Q. Did you -- did you ever file a charge of  
11 discrimination with any governmental agency  
12 concerning AK Steel's decision not to hire you?

13 A. No, I didn't.

14 Q. If I asked this already, I apologize.  
15 Have you ever filed bankruptcy?

16 A. No.

17 Q. Do you have any plans to file for  
18 bankruptcy?

19 A. No.

20 Q. Have you talked to a bankruptcy attorney  
21 in the last six months?

22 A. Never.

23 Q. How is it that you became involved in the  
24 lawsuit known as Bert versus AK Steel Corporation?

25 A. I think there was a lot of animosity going

1 on with a lot of the employees at Square D that  
2 didn't get a chance to take the test or get hired.  
3 And I think that's where I found out that something  
4 was going on about not hiring certain people.

5 And I think that's -- that's when it came  
6 about. Because I think my brother was included in  
7 that but I don't think he ever took the test.

8 Q. Who was your brother?

9 A. His name is Kenneth Greenwood. And he did  
10 get laid off from Square D also but I don't think he  
11 got a chance to take the test.

12 And then I don't know if my talking to  
13 Jessica Hicks and my resume got the chance for me to  
14 take the test, because if I wouldn't have called  
15 maybe I wouldn't have never got a chance to take it.

16 Q. Do you want to become part of the people  
17 who are suing AK Steel in the Bert lawsuit?

18 MR. JOHNSON: Object to the form. You may  
19 answer.

20 A. Yes.

21 Q. Why?

22 A. Well, I feel that at this point in time,  
23 you know, I lived in Middletown all my life and I  
24 know what goes around. And the minority at AK  
25 Steel -- AK is very minimum, very minimum. And if

1 there's some way for me to open the doors to make it  
2 easier for my brother or my three best friends that  
3 tried to get hired at AK that couldn't, I'll help in  
4 any way I can to do what I have to do.

5 Q. And if you become part of this lawsuit  
6 what is it that you're seeking?

7 A. Satisfaction. Change the test basis. I  
8 mean, you know, the thing about it is, the test was  
9 behavioral analysis. And I thought it was, you know,  
10 what would you do in this situation, or you can have  
11 two right answers and if you make the wrong judgment,  
12 you're wrong.

13 (Off the record. Cell phone ringing)

14 A. Sorry about that. I usually always do  
15 that before I go into any meeting. I think I'm a  
16 little nervous. Okay.

17 Q. You were beginning to tell us about the  
18 test.

19 A. Like I said, behavioral analysis. I've  
20 been involved with the hiring process at Square D and  
21 in a similar -- like I say, behavioral analysis, the  
22 judgment questions on what do you think in this case  
23 or what would you do or which one do you think. And  
24 if there's not a right answer, it's not a right  
25 answer. You might have two right answers for the

1 same question. But the one you pick might not be the  
2 right one to make you pass the test.

3 Q. Let me have a few minutes outside.

4 (A recess was taken from 3:40 to 3:44.)

5 MR. ROGERS: I have no further questions,  
6 Mr. Greenwood.

7 EXAMINATION

8 BY MR. JOHNSON:

9 Q. Just a brief follow-up here.

10 Mr. Greenwood, you stated that at the time when you  
11 were denied employment at AK Steel that you didn't  
12 think race was the reason or was the factor in that  
13 denial. Has your opinion changed since then?

14 A. Yes. And why I say that is -- is because  
15 when they told me I didn't pass the test, well, then,  
16 that's failure on my part. But then when you hire  
17 five people that I feel are intellectually inferior  
18 to me, I feel there's a problem there.

19 And I wasn't -- like you say, I took the  
20 test for laborer. I would have went in that hot  
21 strip and did what I had to do. But on the people  
22 that they hired -- like I say I can't judge people, I  
23 don't -- I don't judge by color. Maybe the five  
24 people that they did hire that I felt was less than  
25 me knew how to take the test.